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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/068,220 | 02/06/2002 | Joseph E. Haring | HARINGPAT3 | 7643 |
| 7590 | 11/13/2003 | | EXAMINER | |
| Mark Clodfelter Suite 1602D 555 Sparkman Drive Huntsville, AL 35816 | | | | SCHIFFMAN, JORI |
| | | ART UNIT | PAPER NUMBER | 3679 |

DATE MAILED: 11/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-------------------|-------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/068,220 | HARING, JOSEPH E. |
| | Examiner | Art Unit |
| | Jori R. Schiffman | 3679 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 September 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) 14-18 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-13, 19 and 20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 06 February 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7 and 10-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 7, 10, 12, and 13, the phrase “bolt-like article” is indefinite because it is unclear what constitutes an article as “bolt-like”. Appropriate correction is required. The claims were examined as best understood.

As to claims 11 and 12, the claims are indefinite because it is unclear how a locking member can thread onto the exterior portion of the cylindrical member since the exterior portion is not threaded. Furthermore, the drawings show no indication of a locking member being threaded onto an exterior of the cylindrical member.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Lukavich (US 4312145).

Regarding claims 1, 5, and 7, Lukavich discloses a nut assembly 13 capable of joining two workpieces together comprising a first fastener member 22 having a first generally cylindrical inner bore provided with a first set of threads 23, a second fastener member 24 provided with a second set of threads 26 on an exterior surface for threadable engagement with the first set of threads and a second generally cylindrical bore provided with a third set of threads 25, the first, second, and third sets of threads all being cut in the same direction and being of approximately the same pitch, and whereby a conventionally configured bolt 18 having a conventional thread/shank interface is threadably advanced into the third set of threads of the second fastener member, the third set of threads contacting the conventional thread/shank interface of the bolt, with further relative advancement rotation between the first and second fastener members causing the first fastener to be advanced past the conventional thread/shank interface and contact a workpiece adjacent the assembly.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3679

6. Claims 2-4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lukavich (US 4312145) as applied to claims 1 and 7 above, and further in view of Wallace et al. (US 3893496).

As to claims 2-4, 8, and 9, Lukavich discloses the claimed nut assembly except for the first and second fasteners being attached by an attachment, and specifically a bonding agent. Wallace teaches a bonding agent for threaded fasteners while still allowing for relative rotation. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to include a bonding agent to attach the first and second fasteners in Lukavich as disclosed in Wallace to provide friction so the fasteners will stay together while still allowing for relative rotation.

Regarding claim 10, Lukavich discloses the cylindrical member 22 extending beyond the fastener member 24 when the bolt is tightened.

7. Claims 6, 13, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lukavich (US 4312145) as applied to claims 1 and 7 above, and further in view of Lang et al. (US 5066180).

As to the claims, Lukavich discloses the claimed nut assembly except for two coplanar members with threaded member extending through openings to attach the members. Lang teaches two coplanar members 12, 20 each having an opening through which a threaded member extends. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to include at least two coplanar members with openings for threaded members on the assembly of Lukavich as disclosed in Lang to fixedly attach the nut assembly to a workpiece. In regards to claims 19 and 20, once the

combination is made, modified Lukavich discloses the first fastener member capable of being fixedly attached to a workpiece, with rotation of the bolt compressing the workpieces together.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

Conclusion

9. U.S. Patent No. 5341560 is further cited to show a threaded fastening member inside a nut with threads of the same pitch.

10. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

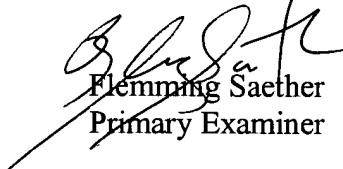
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jori R. Schiffman whose telephone number is 703-305-4805. The examiner can normally be reached on M-Th, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-1113.

Jori R. Schiffman
Examiner
Art Unit 3679

JS



Flemming Saether
Primary Examiner